



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane Hirsh, Alison B. Fleming, and Roman V. Rariy

Serial No.: 10/766,124 Group Art Unit:

Filed: January 28, 2004 Examiner:

For: *MULTRIPARTICULATE COMPOSITIONS OF MILNACIPRAN
FOR ORAL ADMINISTRATION*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**WITHDRAWAL OF ERRONEOUS ASSERTION OF SMALL ENTITY STATUS
AND SUBMISSION OF DEFICIENCY PAYMENT UNDER 37 CFR §1.28(c)**

Sir:

Applicants hereby withdraw the assertion of small entity status erroneously included in this application as filed on January 28, 2004. **This application is not entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.**

In accordance with 37 CFR §1.28(c), the following is an itemization of the deficiency payment to be made:

Type of fee - current fee amount	Fee paid	Date paid	Deficiency amount
Utility filing fee - \$770.00	\$385.00	01/28/2004	\$385.00
(8) Claims in excess of 20 - \$144.00	\$72.00	01/28/2004	\$72.00
Total deficiency:			\$457.00

A check in the amount of \$587.00 is enclosed in payment of (a) the total fee deficiency of \$457.00, plus (b) the large entity fee of \$130.00 for late filing of a declaration for patent

03/04/2004 CNGUYEN 00000095 501868 10766124

01 FC:1001 183.00 DA 587.00 QP
02 FC:1202 144.00 DA
03 FC:1051 130.00 DA

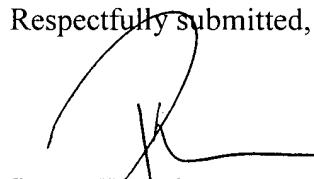
CP 108
085337/00014

U.S.S.N: 10/766,124
Filed: January 28, 2004

**Withdrawal of Erroneous Assertion of Small Entity Status
And Submission of Deficiency Payment Under 37 CFR §1.28(c)**

application. The Commissioner is hereby authorized to charge any other fees which may be deemed due, or credit any overpayment in connection with this matter, to Deposit Account No. 50-1868.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: February 25, 2004

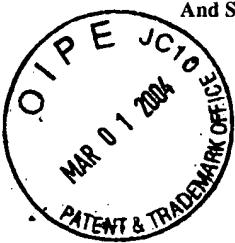
HOLLAND & KNIGHT LLP
Suite 2000, One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

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U.S.S.N: 10/766,124

Filed: January 28, 2004

Withdrawal of Erroneous Assertion of Small Entity Status
And Submission of Deficiency Payment Under 37 CFR §1.28(c)



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

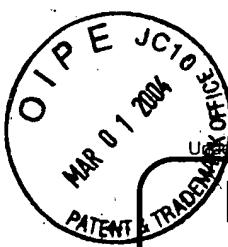
I hereby certify that this WITHDRAWAL OF ERRONEOUS ASSERTION OF SMALL ENTITY STATUS AND SUBMISSION OF DEFICIENCY PAYMENT UNDER 37 CFR §1.28(c), and any paper referred to as being attached or enclosed, are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Pam Turnbough

Date: February 25, 2004

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 587.00

Complete if Known	
Application Number	10/766,124
Filing Date	January 28, 2004
First Named Inventor	Jane Hirsh
Examiner Name	
Art Unit	
Attorney Docket No.	CP 108

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

50-1868

Holland & Knight LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1)		(\$) 0.00			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20* =		
			-3** =		

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$) 0.00

***or number previously paid, if greater; For Reissues, see above*

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)		Deficiency fee payment	457.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)** 587.00

SUBMITTED BY

Name (Print/Type)	Patrea L. Pabat	Registration No. (Attorney/Agent)	31,284	Telephone (404) 817-8473
Signature			Date	February 25, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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